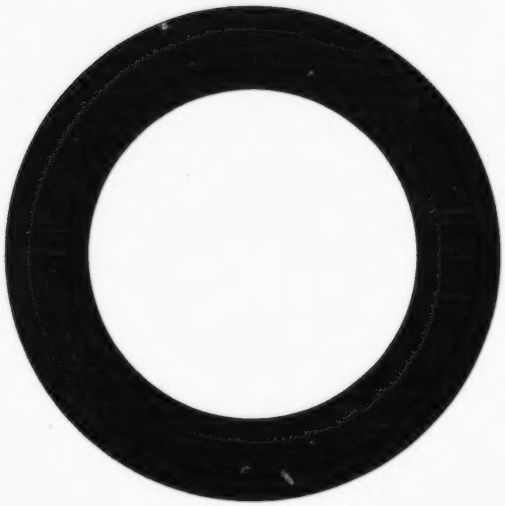
United Nations

United Nations High Commissioner for Refugees

Report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees

Fifty-fifth session (4-8 October 2004)

General Assembly
Official Records
Fifty-ninth Session
Supplement No. 12A (A/59/12/Add.1)



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United Nations • New York, 2004

Note

Symbols of United Nations documents are composed of capital letters combined with figures.

The report of the United Nations Commissioner for Refugees has been issued as *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 12* (A/59/12).

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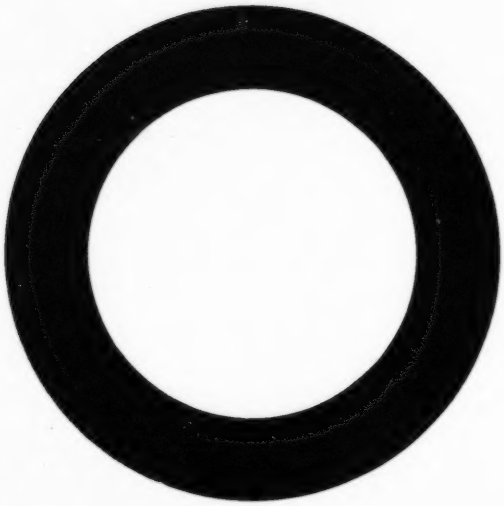

I. INTRODUCTION

A. Opening of the Session

1. The Executive Committee of the High Commissioner's Programme held its fifty-fifth session at the Palais des Nations in Geneva, from 4 to 8 October 2004. It was opened by the outgoing Chairman, His Excellency Ambassador Jean-Marc Boulgaris (Switzerland).

2. In his statement to the Committee, the outgoing Chairman reaffirmed that delegates had come from far and near in the common objective of protecting and assisting refugees. He noted with concern that the security environment for many refugees remained precarious, and that the safety of humanitarian workers had also continued to preoccupy the Executive Committee in the previous year. On a more positive note, the Chairman was pleased to foreshadow that the Committee had agreed to change the timing of the election of its Bureau, as of its following plenary session, from the beginning to the end of its session, and to enhance the contribution of non-governmental organizations (NGOs) to the work of the Standing Committee.

3. During his mission on behalf of the Executive Committee to the Islamic Republic of Iran and the Democratic Socialist Republic of Sri Lanka in February 2004, the Chairman was able to observe one of the largest refugee-hosting countries in the former, and an excellent model for the process of Repatriation, Reintegration, Rehabilitation and Reconstruction (4Rs) in the latter. He was grateful to both Governments for their welcome and assistance. The Chairman had seen much which allowed cause for optimism in both countries and thought full praise was due to both Governments for their efforts to protect the beneficiary populations and for their collaboration with UNHCR. He had also noted the good coordination between United Nations agencies and considered this demonstrated the considerable efforts which had been made in recent years to improve coordination and cooperation within the United Nations. The Chairman also considered there had been a significant improvement in cooperation between UNHCR and the NGO community, especially with UNHCR's operational and implementing partners.

B. Election of Officers

4. Under Rule 10 of its Rules of Procedure, the Committee elected the following officers by acclamation:

Chairman:	H.E. Ambassador Hernán Escudero Martínez (Ecuador)
Vice-Chairman:	H.E. Ambassador Shotaro Oshima (Japan)
Rapporteur:	Ms. Ann Blomberg (Sweden)

C. Representation on the Committee

5. The following members of the Committee were represented at the session:

Algeria, Argentina, Australia, Austria, Bangladesh, Belgium, Brazil, Canada, Chile, China, Colombia, Côte d'Ivoire, Cyprus, Democratic Republic of the Congo, Denmark, Ecuador, Egypt, Ethiopia, Finland, France, Germany, Greece, Guinea, Holy See, Hungary, India, Iran (Islamic Republic of), Ireland, Israel, Italy, Japan, Kenya, Lebanon, Lesotho, Madagascar, Mexico, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Philippines, Poland, Republic of Korea, Russian Federation, Serbia and Montenegro, South Africa, Spain, Sudan, Sweden, Switzerland, Thailand, Tunisia, Turkey, Uganda, United Kingdom, United Republic of Tanzania, United States of America, Venezuela, Yemen, Zambia.

6. The Governments of the following States were present as observers:

Afghanistan, Albania, Angola, Armenia, Azerbaijan, Bahrain, Belarus, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Bulgaria, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Congo, Costa Rica, Croatia, Cuba, Czech Republic, Djibouti, Dominican Republic, El Salvador, Eritrea, Estonia, Gabon, Gambia, Georgia, Ghana, Guatemala, Iceland, Indonesia, Iraq, Jordan, Kazakhstan, Kyrgyzstan, Latvia, Liberia, Libyan Arab Jamahiriya, Lithuania, Luxembourg, Malawi, Malaysia, Malta, Mauritania, Monaco, Myanmar, Nepal, Niger, Oman, Paraguay, Portugal, Qatar, Republic of Moldova, Romania, Rwanda, San Marino, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Sri Lanka, Swaziland, Syrian Arab Republic, Tajikistan, The former Yugoslav Republic of Macedonia, Togo, Ukraine, United Arab Emirates, Uruguay, Zimbabwe.

7. Palestine and the Sovereign Order of Malta were represented as observers.

8. Also present as observers were the following intergovernmental organizations and other entities:

African, Caribbean and Pacific Group of States (ACP Group), African Union (AU), Council of Europe, European Community, International Organization for Migration (IOM), League of Arab States (LAS), Organization of the Islamic Conference (OIC); International Committee of the Red Cross (ICRC), International Federation of Red Cross and Red Crescent Societies (IFRC).

9. The United Nations system was represented as follows:

Food and Agriculture Organization (FAO), International Telecommunication Union (ITU), Joint Inspection Unit (JIU), Joint United Nations Programme on HIV/AIDS (UNAIDS), Office for the Coordination of Humanitarian Affairs (OCHA), Office of the United Nations High Commissioner for Human Rights (OHCHR), United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), United Nations Educational, Scientific and Cultural Organization (UNESCO), United Nations Human Settlements Programme (UN-Habitat), United Nations Institute for Training and Research (UNITAR), United Nations Office at Geneva (UNOG) United Nations Population Fund (UNPFA), United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA), United Nations Research Institute for Social Development (UNRISD), United Nations Volunteers Programme (UNV), World Food Programme (WPF), World Health Organization (WHO), World Meteorological Organization (WMO).

10. A total number of 52 non-governmental organizations were represented as observers.

D. Adoption of the Agenda and other Organizational Matters

11. The Executive Committee adopted by consensus the following agenda (A/AC.96/1000):

1. Opening of the Session
2. Election of Officers
3. Adoption of the Agenda and other Organizational Matters
4. Statement by the High Commissioner, Guest Speaker and General Debate
5. Debriefing on Joint Mission to Chad and Sudan
6. Reports on the Work of the Standing Committee
   (a) International Protection
   (b) Programme, Administrative and Financial matters
7. Reports relating to Evaluation and Inspection
8. Consideration and Adoption of revised Programme Budget for 2004 and proposed Programme Budget for 2005
9. Working Methods of the Executive Committee and its Standing Committee
10. Meetings of the Standing Committee in 2005
11. Consideration of the Provisional Agenda of the Fifty-sixth Session of the Executive Committee
12. Other Statements

13. Any other business
14. Adoption of the Report on the Fifty-fifth Session of the Executive Committee
15. Closure of the Session

12. In the course of the week, panel events were held on the subject of food security and statelessness, the latter to mark the 50th anniversary of the 1954 Convention relating to the Status of Stateless Persons.

E. Opening Statement by the Chairman of the Executive Committee

13. The incoming Chairman, His Excellency Ambassador Hernán Escudero Martínez (Ecuador), spoke of his own country's commitment to asylum and international protection as well as to the promotion of human rights. He referred in particular to the large number of Colombian refugees who had sought asylum in Ecuador. Despite limited resources, his country was attempting to provide support through a policy of local integration rather than the creation of refugee camps. The Chairman paid tribute to UNHCR's work throughout the region, not only in asylum countries but also with regard to internally displaced persons in Colombia. The 20th anniversary of the Cartagena Declaration was, he believed, an opportunity to reinforce international protection and regional solidarity in seeking durable solutions for persons of concern.

14. During his term of office, the Chairman would be placing special emphasis on the need to pursue efforts to link relief assistance for refugees to development projects, including due support for host communities, as a fundamental mechanism for strengthening protection capacity, in line with the Agenda for Protection. He also highlighted the importance of resettlement as a durable solution which reflected international responsibility sharing, and was following with interest the developments in this respect under the Convention Plus initiative.

15. The Chairman reminded the Committee of some of the current humanitarian crises requiring attention, notably in Sudan, but also noted the emerging opportunities for voluntary repatriation of many refugees who had been in exile, in some cases for decades, and encouraged the pursuit of better collaboration between States, UNHCR, and a growing number of other intergovernmental and non-governmental organizations. He called on States for support to improve security for both humanitarian staff and the populations they were protecting, and for awareness of the responsibility that lay with all concerned to contribute to making a difference in this troubled world.

II. WORK OF THE FIFTY-FIFTH SESSION

16. The High Commissioner delivered an opening statement as the basis for the general debate. The full text of his statement is available on UNHCR's website (www.unhcr.ch). The High Commissioner reviewed key UNHCR operations and otherwise focused on: the continuing protection needs of refugees; the physical safety of refugees and staff security; measures to mainstream gender

issues; Convention Plus and related developments, including the Afghanistan Comprehensive Solutions initiative and the European Prong; funding; progress in management and human resources policies; the review of headquarters processes; the Management Systems Renewal Project; recommendations of the Joint Inspection Unit; and developments in partnerships and inter-agency cooperation. These included efforts to better integrate United Nations missions; UNHCR's co-sponsorship of UNAIDS; progress in implementation of the revised Memorandum of Understanding with the World Food Programme (WFP); and the "Collaborative Approach" on IDPs. The High Commissioner also noted that this year marked two significant anniversaries, the 20th anniversary of the Cartagena Declaration on Refugees and the 50th anniversary of the 1954 Convention relating to the Status of Stateless Persons.

17. A summary of the ensuing general debate, provided by the Chairman, is found in Annex II.[1]

18. The High Commissioner's guest speaker, the Executive Director of WFP, Mr. James Morris, affirmed the importance of the partnership between UNHCR and WFP, which went back nearly two decades. In 2003, WFP and UNHCR together assisted 2.9 million people in 38 countries – refugees and internally displaced people in Africa, Asia and Europe. The Executive Director described the UNHCR-WFP working relationship as "one of the best" in the United Nations system.

19. He commented that responsibilities did not stop at the refugee camps when conflicts and emergencies subsided and refugees and internally displaced persons could finally go home. There were several prime examples in Africa where countries had achieved or were poised to achieve peace and stability, but which still needed significant assistance to rebuild infrastructure and livelihoods. At the present time WFP was more than US$ 200 million short of the US$ 865 million needed for 2004 to fund WFP's refugee-related operations.

20. The Executive Director called on host countries to maintain flexible asylum policies and to enable refugees to become more self-reliant by setting aside sufficient space for cultivation of small plots or engagement in income-generating activities. He spoke of the impact of refugee life on children, who formed the majority of the world's refugees, and of the importance of education. WFP supported UNHCR's educational efforts through its school feeding programmes. Finally, the Executive Director spoke of the need to invest in the future and for UNHCR and WFP to complement each other's activities further through improved planning and information sharing at the country level, as well as to support sustainable return of refugees and their reintegration into the host communities.

[1] See summary records of the session for a full account of the deliberations of the Committee, including the statements or other interventions by delegations under all agenda items, and their comments on the draft conclusions and decisions, as well as the closing statements by the High Commissioner and the Chairman.

III. DECISIONS AND CONCLUSIONS OF THE EXECUTIVE COMMITTEE

A. General Conclusion on International Protection

21. *The Executive Committee,*

(a) *Welcomes* the information on implementation of the Agenda for Protection by UNHCR, States and non-governmental organizations contained in this year's Note on International Protection;[2] *notes* that the Agenda for Protection was welcomed by the General Assembly of the United Nations;[3] *emphasizes* its continuing importance; and *encourages* all concerned actors to provide timely information on their own follow-up activities to enable UNHCR to comply with the Executive Committee's request to be kept informed, through its Standing Committee, of the progress achieved and initiatives taken to implement the Agenda for Protection;

(b) *Encourages* States, UNHCR, other inter-governmental as well as non-governmental organizations to identify opportunities particularly at the national and regional level to cooperate and to consider their respective contributions to the implementation of the Agenda's Programme of Action;

(c) *Welcomes* the accession of Saint Vincent and the Grenadines to the 1967 Protocol; *appeals* to States which have not acceded to the 1951 Convention and/or the 1967 Protocol to consider doing so and to States which have made reservations to these instruments to consider lifting them; and *reiterates* the central place of these instruments in the international refugee protection regime and the importance of their full implementation;

(d) *Notes* with appreciation the sustained efforts by UNHCR to address concerns relating to the protection needs of refugee women and children, including through a range of measures which aim to assure the implementation of the High Commissioner's five commitments to refugee women, as well as the translation into concrete action of the five global concerns for refugee children; and *calls* on UNHCR to report on the results of its implementation of these initiatives;

(e) *Recognizes* that some countries of asylum, in particular developing countries and countries in transition which host large numbers of refugees and asylum-seekers, carry a heavy burden; and *reiterates* in this regard its strong commitment to international solidarity and burden and responsibility sharing;

(f) *Recalls* its Conclusion No. 91 (LII) on registration of refugees and asylum-seekers; *reiterates* the fundamental importance of early registration as a key protection tool and the critical role of material, financial, technical and human resources in assisting host countries in registering and documenting refugees and asylum-seekers, particularly developing countries confronted with large-scale influxes and protracted refugee situations; *welcomes* in this context the significant progress achieved in the area of registration as evidenced by the ongoing roll-

[2] A/AC.96/989.

[3] A/RES/57/187.

out of registration and documentation activities under the auspices of Project Profile; and *encourages* States and UNHCR to continue their work in this regard with the assistance of other relevant actors as appropriate;

(g) *Welcomes* the development of asylum legislation and the establishment of processes for status determination and admission in a number of countries, often with the help and advice of UNHCR; *encourages* the States concerned to continue to strengthen their capacity; and *welcomes* in this regard the technical and financial support of other States and UNHCR as appropriate;

(h) *Welcomes* the significant achievements in voluntary repatriation over the course of the past year[4] and the further potential for the sustainable voluntary return of considerable numbers of refugees, as a result of peacemaking, reconciliation and reconstruction efforts which have contributed to the resolution of certain long-running conflicts; *acknowledges* the importance of ensuring the ongoing voluntary nature of refugee returns and the full and equal participation of refugee women in the pursuit of voluntary repatriation and the consolidation of sustainable reintegration[5]; and *urges* States, UNHCR and other relevant actors to strengthen their efforts to provide durable solutions for refugees and other persons of concern;

(i) *Acknowledges* the increasing complexities of the environment in which international protection is provided and the many challenges faced by States and by UNHCR in ensuring and providing protection for refugees and other persons of concern;

(j) *Strongly condemns* all attacks on humanitarian personnel, including local and international staff of UNHCR and its implementing partners; *deplores* the rising toll of casualties and mortalities among such personnel; and *urges* States to fully investigate such attacks and bring the perpetrators to justice in accordance with international law and national law;

(k) *Welcomes* the accession by a number of States to the 1994 Convention on the Safety of United Nations and Associated Personnel; *encourages* those States which have not acceded to this Convention to consider doing so; and *calls* in particular on States in whose territories humanitarian operations are undertaken to safeguard the physical security of all humanitarian personnel and to provide a security environment that allows safe and unhindered access by UNHCR and other humanitarian personnel to persons in need of protection and assistance;

(l) *Expresses concern* at the persecution, generalized violence and violations of human rights which continue to cause and perpetuate displacement within and beyond national borders and which increase the challenges faced by States in effecting durable solutions; and *calls on* States to address these challenges while ensuring full respect for the fundamental principle of *non-refoulement*, including non-rejection at frontiers without access to fair and effective procedures for determining status and protection needs;

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[4] An illustrative list of major voluntary return operations is included in Section VII of the 2004 Note on International Protection, A/AC.96/989.

[5] In accordance with Security Council Resolution 1325 on *Women, Peace and Security*.

(m) *Deplores* the fact that refugees, returnees and other persons of concern to UNHCR, in particular women and children, continue to be subjected to murder, armed attack, sexual and gender-based violence, forced military recruitment, separation of families, violations of or threats to their personal security and other fundamental rights; *condemns* in particular the armed attacks which took place in Gatumba transit centre, Burundi, in August 2004, which led to the killing of a large number of Congolese refugees; and, in this context, *emphasizes* the importance of host States taking appropriate measures to protect refugee camps and settlements including whenever possible through ensuring, in consultation with UNHCR, their location at a reasonable distance from the border; and also *emphasizes* the importance of protecting refugees from other forms of threat and harassment from any groups or individuals;

(n) *Reiterates* that the grant of asylum to refugees is a peaceful and humanitarian act, and that all actors are obliged to abstain from any activity which serves to undermine this; *recalls* its Conclusion No. 94 (LIII) on the civilian and humanitarian character of asylum and the useful discussions which took place on this subject in the context of the Global Consultations on International Protection; *welcomes* the convening by UNHCR of an expert round table in June 2004 which explored these issues further; and *encourages* UNHCR, in consultation with States and other relevant actors, to continue this process with a view to elaborating measures for the disarmament of armed elements and the identification, separation and internment of combatants;

(o) *Reaffirms* that protection must be addressed in a holistic manner by UNHCR; *recognizes* that the delivery of international protection is a resource-intensive function; *encourages* UNHCR to strengthen its protection presence in the field through the regular review of post locations, including the reallocation of posts, whenever and wherever necessary, particularly to ensure a presence close to refugee settings, the proactive deployment of staff in between assignment, the creation of additional posts where reallocation is not possible, continued efforts to ensure the timely filling of protection posts, and the active use of various short-term deployment schemes; and *calls upon* States to extend their support in this regard through the timely and predictable provision of adequate resources;

(p) *Reiterates* the importance for UNHCR programmes of gender-sensitive planning and analysis and the value of structured dialogues with refugee women in order to better address their protection needs and safeguard their rights, and of working towards their empowerment, particularly through training and skills development; and *acknowledges* the importance of working with refugee men as well as with refugee women and other relevant actors to promote refugee women's rights;

(q) *Recalls* its Conclusion No. 84 (XLVIII) on refugee children and adolescents and other Conclusions relevant to the specific protection needs of this group; and *reiterates* the importance of full and effective implementation of standards and procedures to better address these needs and to safeguard rights, in particular to ensure adequate attention to unaccompanied and separated children and to former child soldiers in refugee settings as well as in the context of voluntary repatriation and reintegration measures;

(r) *Strongly encourages* States, UNHCR, and all relevant actors, whether alone or in partnership, to strengthen action to prevent and respond to sexual and gender-based violence, in particular through carrying out their respective responsibilities for the introduction of standard operating procedures, the rigorous implementation of relevant UNHCR Guidelines[6] and related measures highlighted by the Executive Committee in its Conclusion No. 98 (LIV) of 2003, as well as through the active use of resettlement, when appropriate, to ensure protection and a durable solution for victims of sexual and gender-based violence;

(s) *Notes* that the year 2004 marks the 20th anniversary of the *Cartagena Declaration on Refugees*; that this pragmatic and flexible instrument continues to encourage the protection of refugees in the region; that States will be convening in Mexico City in November 2004, upon the generous invitation of the Government of Mexico, to commemorate this anniversary; and *encourages* States to cooperate in the elaboration of a regional plan of action to strengthen further international protection of refugees in the region, in conjunction with relevant international organizations as well as representatives of civil society;

(t) *Acknowledges*, consistent with UNHCR's Convention Plus initiative, *the* importance of comprehensive approaches, especially for the resolution of protracted and large-scale refugee situations, which incorporate, as appropriate and given the specifics of each refugee situation, voluntary repatriation, local integration and resettlement; *encourages* UNHCR, States and other relevant actors to pursue comprehensive arrangements for specific refugee situations that draw upon combinations of solutions; and *notes* that a community development approach, ensuring the participation of refugee men and women, and refugee children, as appropriate, contributes to the success of such solutions;

(u) *Reiterates* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; *requests* States, UNHCR and other appropriate United Nations entities and the international community to cooperate in the creation of conditions which would enable the promotion of voluntary repatriation; and *stresses* the need for voluntary repatriation to occur in and to conditions of safety and dignity;

(v) *Welcomes* the Multilateral Framework of Understandings on Resettlement, developed by the Core Group on the Strategic Use of Resettlement; *notes* that the Framework is part of the comprehensive approach envisaged by the Convention Plus initiative; *anticipates* that its practical application will improve access to durable solutions for a greater number of refugees and therefore *encourages* interested States, UNHCR and other relevant partners to make full use of the Framework;

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[6] Including the May 2003 Guidelines for Prevention and Response to Sexual and Gender-based Violence against Refugees, Returnees and Internally Displaced Persons.

(w) *Encourages* States, UNHCR and other relevant actors to continue their work in developing other strands of the Convention Plus initiative, including those relating to development assistance and to irregular secondary movements of refugees and asylum-seekers;

(x) *Encourages* States and UNHCR to put into practice the strategic use of resettlement in a spirit of international burden and responsibility sharing, in conjunction with other durable solutions, especially to resolve protracted refugee situations; and also *encourages* the further development of the group resettlement referral methodology and continuing efforts for its implementation, mindful that exploring greater flexibility in refugee resettlement could assist in expanding resettlement opportunities;

(y) *Encourages* States and UNHCR, in consultation with other relevant actors, in considering local integration, where appropriate and when feasible, to use and take into account the profiles of groups of refugees within a broader refugee population bearing in mind the differing capacities of the refugee population, or segments thereof, and the States hosting them;

(z) *Welcomes* the accession of Uruguay and the Czech Republic to the 1954 Convention relating to the Status of Stateless Persons and of Liberia and Lesotho to the 1961 Convention on the Reduction of Statelessness; and *encourages* UNHCR, on the occasion of the 50th anniversary of the 1954 Convention, to renew its efforts to promote further accession to both Conventions;

(aa) *Welcomes* the publication in March 2004 of the final report of UNHCR's global survey on statelessness as an important step towards establishing a common understanding of a problem affecting all regions of the world; and *calls on* UNHCR to continue to provide technical and operational support to States with the aim of avoiding and resolving statelessness and furthering the protection of stateless persons, in particular in view of the limited number of States Parties to the 1961 Convention on the Reduction of Statelessness;

(bb) *Notes* with concern that many situations of statelessness are of a protracted nature and *invites* UNHCR to pay particular attention to them and to explore with concerned States measures that would ameliorate those situations and bring them to an end.

B. Conclusion on International Cooperation and Burden and Responsibility Sharing in Mass Influx Situations

22. *The Executive Committee,*

Considering that the achievement of international cooperation in solving international problems of a humanitarian character is a purpose of the United Nations as defined in its Charter and that the 1951 Convention relating to the Status of Refugees recognizes that a satisfactory solution to refugee situations cannot be achieved without international cooperation,

Reaffirming that respect by States for their protection responsibilities towards refugees is strengthened by international solidarity involving all members of the international community and that the refugee protection regime is enhanced through committed international cooperation in a spirit of solidarity and responsibility and burden sharing among all States,

Recalling the importance of international cooperation to resolve the plight of refugees, action to address the causes of refugee movements, as well as to avert them, inter alia, through the promotion of peace, stability and dialogue, and of action to prevent refugee movements from becoming a source of tension between States,

Emphasizing States' obligations with respect to refugees as contained in the 1951 Convention and its 1967 Protocol and as reflected in international human rights law and international humanitarian law; and *highlighting* that States' continued commitment to upholding the values and principles embodied in these areas of law contributes to an effective international response to mass influx situations,

Reaffirming the importance of international burden and responsibility sharing in reducing the burdens of host countries, especially developing countries,

Noting that persons who arrive as part of a mass influx seeking international refugee protection should always receive it, at least on a temporary basis,

Reaffirming that access to asylum and the meeting by all States of their international protection obligations should not be dependent on burden and responsibility sharing arrangements first being in place, particularly because respect for human rights and humanitarian principles is a responsibility for all members of the international community,

Recalling that mass influx situations pose challenges for receiving States in particular, as well as for other States in the region and for the international community; and *reiterating* its recognition of the heavy responsibilities and burdens borne by countries receiving a mass influx, especially when the resulting presence of refugees becomes protracted, and the need for international cooperation to achieve a satisfactory durable solution to a problem which is international in scope and nature,

Reaffirming, in regard to mass influx, the guidance on reinforcing burden and responsibility sharing, including in particular that set out in Conclusion No. 22 (XXXII) of 1981 on the protection of asylum-seekers in situations of large-scale influx, Conclusions No. 15 (XXX) of 1979 on refugees without an asylum country, No. 52 (XXXIX) of 1988 on international solidarity and refugee protection, No. 80 (XLVII) of 1996 on comprehensive and regional approaches within a protection framework, No. 91 (LII) of 2001 on registration of refugees and asylum-seekers, No. 94 (LIII) of 2002 on the civilian and humanitarian character of asylum, and Conclusions No. 77 (XLVI) of 1995, No. 85 (XLIX) of 1998 and No. 89 (LI) of 2000 on international protection, as well as General Assembly Resolution 58/169 of 22 December 2003 on human rights and mass exoduses,

Expressing its appreciation for the useful discussions on mass influx situations and burden and responsibility sharing which took place in the context of the third track of the Global Consultations on International Protection,

Recalling the Agenda for Protection, endorsed by the Executive Committee, and the goals and objectives set out in its Programme of Action, aimed at achieving, inter alia, more effective and predictable responses to mass influx situations and improving responsibility-sharing arrangements to share the burdens of first asylum countries, in responding to the needs of refugees,

(a) *Notes* that mass influx is a phenomenon that has not been defined, but that, for the purposes of this Conclusion, mass influx situations may, inter alia, have some or all of the following characteristics: (i) considerable numbers of people arriving over an international border; (ii) a rapid rate of arrival; (iii) inadequate absorption or response capacity in host States, particularly during the emergency; (iv) individual asylum procedures, where they exist, which are unable to deal with the assessment of such large numbers;

(b) *Recognizes* the differing capacities of States to contribute to resolving mass influx situations; *commends* the significant contributions made by countries of first asylum, particularly those in the developing world and those faced with protracted refugee situations; and *stresses* the value of action by States, UNHCR and other actors to share the burden and responsibility of countries of first asylum and to strengthen capacities for the protection of refugees in such host countries;

(c) *Encourages* all States to continue their efforts to tackle the root causes of, and seek durable solutions for refugees in, mass influx situations, including through heightened international efforts in the field of conflict prevention and resolution, poverty alleviation and promotion of respect for human rights and fundamental freedoms;

(d) *Emphasizes* the importance of efforts to mainstream gender and age concerns into responses to every stage of a mass influx from programme development and implementation to monitoring and evaluation, so as to ensure that the particular protection needs of refugee women, refugee children and older refugees, including those with special protection concerns, are effectively addressed, inter alia, through registration in principle on an individual basis, full and equal participation in matters affecting them, protection from sexual and gender-based violence and military recruitment, and maintaining family unity wherever possible;

(e) *Notes* the importance of the development by potential host States and UNHCR, as well as other relevant humanitarian organizations, with support by the international community, of emergency preparedness and response strategies in anticipation of situations likely to lead to a mass influx;

(f) *Acknowledges* the need for consultations on the international response to a mass influx situation with a view to developing appropriate international responses, including arrangements among States, regional and international organizations and, where applicable, financial institutions, as a clear sign of international solidarity and in the interest of protecting refugees;

(g) *Recommends* that such consultations should seek to develop, as early on in a crisis as possible, a comprehensive plan of action, including within the Convention Plus context, that includes arrangements on a bilateral or multilateral basis to apportion burdens and responsibilities in response to specific mass influx situations;

(h) *Notes* further that such consultations could be convened by the High Commissioner, consistent with the Statute of the Office, through a request by a country exposed to a mass influx or on an ex officio basis, to examine options appropriate to the particular circumstances of the situation;

(i) *Emphasizes* that such comprehensive plans of action in a mass influx situation should assist States and UNHCR and other relevant actors in dealing with the immediate humanitarian emergency in a more effective, predictable and equitable manner, in achieving standards of treatment for those in need of international protection which fully respect international refugee, humanitarian and human rights law, including in particular the fundamental principle of *non-refoulement*, and in identifying and promoting durable solutions adapted to the particular characteristics of the situation;

(j) *Recommends* that States, UNHCR and other relevant actors, in the emergency response to a mass influx situation, including when developing a comprehensive plan of action, give consideration to the following burden and responsibility-sharing arrangements where necessary and appropriate to the situation:

(i) the provision of emergency financial and technical assistance and other forms of support where necessary, including to humanitarian organizations assisting refugees;

(ii) the implementation, in countries receiving mass influxes, of coordination mechanisms involving relevant host State authorities, Inter-Agency Standing Committee country team members and other relevant actors to help ensure an effective international response to the mass influx situation;

(iii) the establishment, at the international level, of an effective consultation mechanism involving affected States, other interested States, relevant United Nations system actors and other international and non-governmental organizations, to begin developing strategies and approaches to address the refugee crisis, including identifying possible durable solutions, bearing in mind broader political processes that may be under way to address the mass influx, including its root causes;

(iv) the strengthening of existing mechanisms to ensure that the necessary funds and other material and technical assistance are immediately made available;

(v) the provision of support to host countries, especially developing countries, to assist the early and effective registration and documentation of refugees and asylum-seekers;

(vi) the mobilization of adequate resources to support and assist host States in maintaining the civilian and humanitarian character of asylum, including in particular through disarmament of armed elements and the identification, separation and internment of combatants;

(vii) the provision of support by the international community – agencies acting within their mandates – to host States in order to follow-up on those persons identified as falling within the scope of subparagraph (vi), including, where appropriate, the establishment of adequate mechanisms and special procedures for individual refugee status determination, including, inter alia, any possible application of the exclusion clauses of the 1951 Convention, for assessing claims of those combatants who have genuinely and permanently renounced military activities and seek asylum;

(viii) the setting up of standby arrangements to allow for an immediate response to urgent security needs in countries of first asylum, including through the deployment of experts to help assure the security of refugee camps where appropriate and requested by the State concerned;

(ix) the development of criteria and modalities for humanitarian transfer or evacuation to other countries,[7] fully consistent with international guidelines on the evacuation of children,[8] and financial assistance and other forms of support for the countries involved;

(k) *Acknowledges* that the principles of international cooperation and solidarity in the context of mass influx situations and the approaches as set out in this Conclusion in particular in operative paragraph (g), are equally relevant to protracted refugee situations resulting from a mass influx and can contribute significantly to the sustainability of the international response; and *highlights* the importance in this respect of continued international engagement, including to resolve the causes of the mass influx in order to achieve durable solutions;

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7 In the context of the 1999 Kosovo crisis, the former involved the transfer of refugees to other States within the region, while the latter involved their evacuation to States further afield.

8 ICRC, IRC, SCUK, UNICEF, UNHCR, WVI, *Inter-Agency Guiding Principles on Unaccompanied and Separated Children*, 2004, pp. 24–26; UNHCR, *Refugee Children: Guidelines on Protection and Care*, 1994, pp. 88–95; *Evacuation of Children from Conflict Areas, Consideration and Guidelines*, Everett M. Ressler, UNHCR and UNICEF, 1992.

(l) *Notes* the ongoing problems faced by countries of asylum, particularly those in the developing world, in coping with the consequences of mass influx situations once they have stabilized and particularly if they become protracted; and *recommends* that the following elements could be considered as part of the international response, including any burden and responsibility sharing arrangements that have been developed:

(i) the evaluation, together with United Nations specialized agencies, non-governmental organizations and other relevant actors, of the impact of refugees on host country economies, society, environment and security, especially in protracted refugee situations;

(ii) the review and updating, on a regular basis, of any comprehensive approach that may have been developed to address the mass influx situation;

(iii) the advance pledging, where possible, of further financial or other assistance beyond the emergency phase until durable solutions are found;

(iv) the provision of support for national protection capacities of host States as needed, inter alia, to strengthen registration and documentation systems, and establish national legal frameworks and other mechanisms required to enable protection and assistance to be assured over time;

(v) the provision of financial and in-kind assistance in support of refugee populations and host communities to promote refugee self-reliance, as appropriate, thus enhancing the sustainability of any future durable solution and relieving the burden on countries of first asylum;

(vi) the provision of financial and other forms of support, as appropriate, linked to broader economic developments and other concerns countries of first asylum may have in relation to providing protection to large numbers of asylum-seekers and refugees;

(vii) the encouragement of international financial institutions to consider to what extent the economic and social costs of hosting large numbers of refugees can be factored into the justification for their activities, including in the conditions of financial lending schemes and grant-based assistance;

(viii) the exploration by States, inter- and non-governmental organizations, as well as other actors of ways to improve primary education for refugees, achieve gender parity in education, and secure funding, including through the private sector, to expand secondary, vocational and tertiary education opportunities for refugees, especially adolescents;

(m) *Recommends* further that action to address and facilitate durable solutions, with a view to burden and responsibility sharing, be directed, as appropriate, in the form of voluntary repatriation, local integration or resettlement in third countries or, where applicable, in a strategic combination, and assistance to host countries, including through:

(i) the provision of financial assistance and other forms of support in situations where voluntary repatriation is foreseeable or taking place, in particular bearing in mind that voluntary repatriation is the preferred solution;

(ii) where local integration is appropriate and feasible, the provision of financial assistance and other forms of support, including development assistance, for the benefit of refugees and the communities hosting them so as to assist countries of asylum in integrating refugees locally;

(iii) the more effective and strategic use of resettlement as a tool of burden and responsibility sharing, including through the application of a group resettlement referral methodology;

(iv) the mobilization of support for rehabilitating refugee-impacted areas in the host country from which refugees have returned;

(n) *Recommends* that, where a plan of action or arrangement is adopted, an effective review mechanism be included whereby all actors are brought together to evaluate its implementation and the need for any amendments to it in light of developments;

(o) *Requests* UNHCR to report regularly to the Executive Committee, within existing reporting mechanisms, on developments in international burden and responsibility sharing regarding mass influx situations.

C. Conclusion on Legal Safety Issues in the Context of Voluntary Repatriation of Refugees

23. *The Executive Committee,*

Recalling its Conclusion No. 18 (XXXI) and Conclusion No. 40 (XXXVI) on voluntary repatriation, as well as Conclusion No. 74 (XLV) paragraphs (y), (z) and (aa),

Recalling its Conclusion No. 96 and *noting* that the present Conclusion does not apply to persons found not to be in need of international protection,

Noting the relevance for voluntary repatriation of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women,

Expressing appreciation for the useful discussions on voluntary repatriation, which took place in the context of the third track of the Global Consultations on International Protection;[9] and *agreeing* with the importance of working towards improved conditions for voluntary repatriation and of strengthening cooperation to make such repatriation sustainable in line with Goal 5, Objectives 2 and 3 of the Agenda for Protection which resulted from those discussions,

Reaffirming that voluntary repatriation, local integration and resettlement are the traditional solutions for refugees, and that all remain viable and important responses to refugee situations; *reiterating* that voluntary repatriation, where and when feasible, remains the preferred solution in the majority of refugee situations; and *noting* that a combination of solutions, taking into account the specific circumstances of each refugee situation, can help achieve lasting solutions,

Reaffirming the voluntary character of refugee repatriation, which involves the individual making a free and informed choice through, inter alia, the availability of complete, accurate and objective information on the situation in the country of origin; and *stressing* the need for voluntary repatriation to occur in and to conditions of safety and dignity,

Recognizing in the context of voluntary repatriation the importance of resolute efforts in the country of origin to create conditions that foster the voluntary and safe return of refugees and to ensure the restoration of national protection,

Recognizing the complexities of large-scale voluntary repatriation and the difficulties which the country of origin may face in seeking to follow the guidance provided in this Conclusion,

Noting the value of countries of origin addressing issues which are of a legal or administrative nature as a means of building confidence, facilitating decisions to return and ensuring sustainable reintegration,

Emphasizing that some legal or administrative issues may only be addressed over time; and *recognizing* that voluntary repatriation can and does take place without all of the legal and administrative issues addressed in this Conclusion having first been resolved,

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9 EC/GC/02/5 of 25 April 2002.

Recognizing the usefulness of States, as countries of asylum or countries of origin, and UNHCR concluding, where appropriate, tripartite agreements to facilitate voluntary repatriation efforts, thereby setting out the core elements and modalities of voluntary repatriation, the respective roles and responsibilities of the relevant actors involved, and the obligations of States with respect to returning refugees, while also noting that, under certain circumstances, voluntary repatriation may take place without such agreements,

Recognizing also the importance of spontaneous voluntary repatriation of refugees and that actions to promote organized voluntary repatriation should not create obstacles to the spontaneous return of refugees,

Noting the desirability of incorporating appropriate legal protections for returning refugees in peace agreements, whenever possible, as a measure to build confidence and in support of their promotion in practice,

Acknowledging the importance of promoting an age- and gender-sensitive approach in all aspects of refugee return processes; and, in this regard, *encouraging* UNHCR to develop appropriate standards and indicators that account for such factors in repatriation and reintegration programmes,

Underlining the need for strengthened cooperation among countries of origin, host countries, UNHCR and other international organizations and the international community, to ensure that voluntary repatriation will be sustainable,

Noting that reconciliation in post-conflict situations is a key challenge and that addressing this from the outset, where necessary through transitional justice mechanisms, and involving communities, may contribute to creating conditions conducive to voluntary repatriation and sustainable reintegration,

(a) *Invites* countries of origin, in cooperation with UNHCR, other States and other concerned actors, as necessary and appropriate, to address, at an early stage, issues of a legal and administrative nature which are likely to hinder voluntary repatriation in safety and dignity, by taking into consideration, inter alia, the guidance included in the operative paragraphs that follow;

(b) *Reaffirms* that refugees have the right to return to their own country and that States have the obligation to receive back their own nationals and should facilitate such return; *urges* States to issue necessary travel documents, if required, to facilitate such return; *calls* upon transit countries to assist in the facilitation of return; and also *notes* that refugees may be required to be subject to brief interviews at the relevant border entry point by the authorities of the country of origin for purposes of identification;

(c) *Recognizes* that refugees, in exercising their right to return to their own country, should, in principle, have the possibility to return to their place of origin, or to a place of residence of their choice, subject only to restrictions as permitted by international human rights law;[10] and, in this context, *notes* the importance of efforts that seek to mitigate the likelihood that returning refugees could become internally displaced;

(d) *Emphasizing* that in the context of voluntary repatriation countries of asylum have the responsibility to protect refugees from threats and harassment, including from any groups or individuals who may impede their access to information on the situation in the country of origin or may impede the exercise of their free will regarding the right to return;

(e) *Reaffirms* that voluntary repatriation should not necessarily be conditioned on the accomplishment of political solutions in the country of origin in order not to impede the exercise of the refugees' right to return; and *recognizes* that the voluntary repatriation and reintegration process is normally guided by the conditions in the country of origin;

(f) *Strongly urges* countries of origin to ensure that returning refugees do not face a risk of persecution, discrimination or detention due to their departure from the country or on account of their status as refugees, or their political opinion, race, ethnic origin, religious belief or membership of a particular social group;

(g) *Recognizes* the utility of amnesties in encouraging voluntary repatriation and *recommends* that countries of origin issue amnesty declarations granting returning refugees immunity from prosecution for having left or remaining outside the country of origin; and further *recognizes*, however, that amnesties should not be extended to returning refugees charged with, inter alia, a serious violation of international humanitarian law, or genocide, or a crime against humanity, or a crime constituting a serious violation of human rights, or a serious common crime involving death or serious bodily harm, committed prior to or during exile;

(h) *Recognizes* that, in principle, all returning refugees should have the right to have restored to them or be compensated for any housing, land or property of which they were deprived in an illegal, discriminatory or arbitrary manner before or during exile; *notes*, therefore, the potential need for fair and effective restitution mechanisms, which also take into account the situation of secondary occupants of refugees' property; and also *notes* that where property cannot be restored, returning refugees should be justly and adequately compensated by the country of origin;

(i) *Stresses* the desirability of ensuring that any restitution and compensation framework takes account of the situation of returning refugee women, in particular, where women, especially female heads of households, are prevented from securing property rights in accordance with inheritance laws or where inheritance procedures prevent them from recovering their property within a reasonable period of time;

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10 See Article 12(3) of International Covenant on Civil and Political Rights.

(j) *Encourages* countries of origin to provide homeless returning refugees, as appropriate, with access to land and/or adequate housing, comparable to local standards;

(k) *Notes* the importance of ensuring nationality; and *urges* countries of origin to ensure that there is no exclusion of returning refugees from nationality and that statelessness is thus avoided; and *recalls* in this context Conclusion No. 78 (XLVI) on the prevention and reduction of statelessness and the protection of stateless persons;

(l) *Notes* also the importance of providing under national law for the recognition of the civil status of returning refugees and changes thereto, including as a result of births, deaths, adoptions, marriage and divorce, as well as of documentation or registration proving that status, issued by the competent bodies in the country of asylum or elsewhere, taking into account the special situation of returning refugee women who may not have documentation proving their civil status or who may face difficulties securing recognition of documentation issued by the authorities of the country of asylum;

(m) *Calls on* countries of origin and countries of habitual residence to accept back refugees who are non-nationals but have been habitually resident in that country, including those who were previously stateless there;

(n) *Stresses* the importance of family unity during and following voluntary repatriation; and *calls upon* States, where necessary, to assist spouses and family members of different nationalities to remain together as families;

(o) *Notes* the importance of skills of returning refugees for self-reliance and, in this context, *calls upon* countries of origin to ensure non-discriminatory access for returning refugees to processes, where they exist, to recognize the equivalency of academic, professional and vocational diplomas, certificates and degrees acquired by returning refugees while abroad; and *encourages* countries of origin to recognize the equivalency of primary and secondary education received abroad by returning refugees;

(p) *Recommends* that in consultation with refugee communities consideration be given to addressing the specific needs of returning refugees – including women, children, older people and other persons with special concerns – in order to ensure that they receive adequate protection, assistance and care throughout the repatriation and initial reintegration process; and *stresses* in this context that particular attention needs to be given to ensure that unaccompanied or separated children are not returned prior to successful tracing of family members or without specific and adequate reception and care arrangements having been put in place in the country of origin;

(q) *Reiterates* that UNHCR, in line with its mandate responsibility, be given free and unhindered access to returning refugees, as needed, in particular, so as to monitor the latter's proper treatment in accordance with international standards, including as regards the fulfilment of amnesties, guarantees or assurances on the basis of which refugees have returned;

(r) *Encourages* the country of origin, host countries and UNHCR in cooperation with other relevant actors to provide refugees with complete, objective and accurate information, including on physical, material and legal safety issues, prior to their voluntary repatriation to and reintegration in the country of origin;

(s) *Encourages* UNHCR to collaborate with other United Nations entities, international and non-governmental organizations, in particular those with mandates and expertise in rule of law, development and peacekeeping as well as peace-building, with a view to removing legal, administrative and other barriers to return in countries of origin, and, in doing so, contributing more generally to promoting the rule of law and respect for human rights and fundamental freedoms;

(t) *Encourages* the international community at large to mobilize adequate and sustained support to countries of origin, particularly those emerging from conflict, to assist them to restore national protection to, including respect for the human rights of, their citizens and former habitual residents, including returning refugees.

D. General decision on Administrative, Financial and Programme Matters

24. *The Executive Committee,*

(a) *Confirms* that the activities proposed under the Annual Programme Budget for the year 2005, as set out in document A/AC.96/992, have been found, on review, to be consistent with the Statute of the Office of the High Commissioner (General Assembly Resolution 428 (V)), the High Commissioner's "Good Offices" functions as recognized, promoted or requested by the General Assembly, the Security Council, or the Secretary-General, and the relevant provisions of the *Financial Rules for Voluntary Funds Administered by the High Commissioner for Refugees*;

(b) *Approves* the programmes and budgets for Regional Programmes, Global Programmes and Headquarters under the 2005 Annual Programme Budget amounting to $974,647,000, including the United Nations Regular Budget contribution towards Headquarters costs, an Operational Reserve made up of two components, namely of $62,504,100 (representing 7.5 per cent of programmed activities), and of a further component amounting to $50 million, continued on a further trial basis in 2005, to provide appropriation authority for fully funded additional activities as further explained in paragraph 26 of A/AC.96/992; these provisions, all of which are detailed in the Table I.3, when taken together with the provisions for Junior Professional Officers ($7 million), bring total requirements in 2005 to $981,647,000; and *authorizes* the High Commissioner within this total appropriation, to effect adjustments in Regional Programmes, Global Programmes and the Headquarters budgets; *Notes* that the Annual Programme Budget includes a figure of $300,000 for the proposed post of Assistant High Commissioner (Protection); *notes further* that the

establishment of this position will be subject to further discussion in the Standing Committee; and *requires* that no expenditure be charged against this item by UNHCR until these consultations are completed and a decision taken by the Executive Committee;

(c) *Requests* UNHCR to commission an independent evaluation of the Operational Reserve Category II after the first 12 months of the trial period, including a review of the criteria applied for accepting contributions, and to present the evaluation at the first Standing Committee meeting in 2005, with a view to the Executive Committee taking a decision on the subject at its 56th plenary session;

(d) *Calls* on UNHCR to keep its support costs, including management and administration, under review with the objective of reducing these as a percentage of total budget expenditure; *welcomes* UNHCR's decision to initiate a headquarters process review with the aim of simplifying and streamlining administration; and *requests* that UNHCR keep the Standing Committee fully informed of the outcomes of this review;

(e) *Approves* the revised Annual Programme Budget for the year 2004 amounting to $955,770,200 (which includes the United Nations Regular Budget contribution of $25,835,100), which with the provisions for Junior Professional Officers of $7 million as well as the needs under Supplementary Programmes in 2004 of $170,636,400, bring total requirements in 2004 to $1,126,406,600 (Table I.3);

(f) *Notes the Report of the Board of Auditors to the General Assembly on the Accounts of the Voluntary Funds administered by the United Nations High Commissioner for Refugees for the year ended 31 December 2003* (A/AC.96/991) and the High Commissioner's *Follow-up Actions to the Board of Auditors Report* (A/AC.96/991/Add.1); as well as the *Report of the ACABQ on UNHCR's Annual Programme Budget for the year 2005* (A/AC.96/992/Add.2) and the various reports of the High Commissioner related to oversight activities (A/AC.96/993-995); and *requests* to be kept regularly informed on the measures taken to address the recommendations and the observations raised in these various oversight documents;

(g) *Requests* the High Commissioner, within the resources available, to respond flexibly and efficiently to the needs currently indicated under the Annual Programme Budget for the year 2005; and *authorizes* him, in the case of additional new emergency needs that cannot be met fully from the Operational Reserve, to create Supplementary Programmes and issue corresponding Special Appeals;

(h) *Notes* the proposal of the High Commissioner to create a further post at the ASG level of an Assistant High Commissioner (Protection), and the comments thereon of the ACABQ and Standing Committee, as well as related observations by the JIU; *requests* the Bureau to organize further consultations on this subject, and UNHCR, as part of its follow-up to the UNHCR 2004 process, to commission, and make available in good time the report of, a full and independent review of its senior management structure that encompasses the issues raised by the ACABQ and Standing Committee and any relevant results of the current headquarters process review; *further*

requests UNHCR to provide more detailed terms of reference for the proposed position, in line with the results of the aforementioned review, with a view to revisiting this proposal at the meeting of the Standing Committee to be held in March 2005;

(i) *Welcomes* the initiative of the High Commissioner to consolidate the current information technology functions of UNHCR within a new Division of Information Systems and Technology which is headed by a Chief Information Officer at the D2 level, whose post has been made available through the re-deployment of an existing D2 post;

(j) *Expresses appreciation* for the comprehensive report of the JIU on its review of management and administration in UNHCR as a contribution to the broader efforts of the High Commissioner to improve the Office's capacity and efficiency; and *asks* UNHCR to discuss with the Standing Committee, in the course of 2005, the Report's recommendations and UNHCR's response thereto;

(k) *Requests* the Bureau, in cooperation with UNHCR, to organize consultations on enhancing the independence of the Office of the Inspector General, bearing in mind the various elements of the recommendation in the JIU report on this subject, with a view to reaching a decision on this subject no later than the 56th session of the Executive Committee;

(l) *Takes note* of the JIU's recommendation in relation to introducing a biennium budget and *decides* that this issue be the subject of further consideration by the Standing Committee in the course of 2005, based on further analysis by UNHCR, with a view to reaching a decision on the matter no later than the 56th session of the Executive Committee;

(m) *Acknowledges* with appreciation the burden that continues to be shouldered by developing and least developed countries hosting refugees, and *urges* Member States to recognize this valuable contribution to the protection of refugees and to participating in efforts to promote durable solutions;

(n) *Urges* Member States, in the light of the extensive needs to be addressed by the Office of the High Commissioner, to respond generously and in a spirit of solidarity, and in a timely manner, to his appeal for resources to meet in full the approved 2005 Annual Programme Budget; and to support initiatives to ensure that the Office is resourced in a better and more predictable manner, while maintaining "earmarking" to a minimum level; and *encourages* UNHCR to continue its efforts to broaden the Office's donor base and to diversify funding sources.

E. Decision on Working Methods of the Executive Committee of the High Commissioner's Programme and its Standing Committee, including on Non-Governmental Organization (NGO) Observer participation in the work of the Committees

25. *The Executive Committee,*

Keeping in mind the responsibilities entrusted to it by the General Assembly in its resolution 1166(XII) and by the Economic and Social Council in its resolution 672(XXV),

Taking note of its Rules of Procedure (A/AC.96/187/Rev.5),

Recalling the decision it took at its fifty-fourth session to consider, in cooperation with UNHCR, measures to improve the efficiency and effectiveness of the Executive Committee and of its Standing Committee,

Recalling also the decision it took at its forty-sixth session on the Working Methods of the Executive Committee and its Standing Committee (A/AC.96/860 paragraph 32) and the decisions taken by the Standing Committee at its eighth meeting (A/AC.96/888) and by the Executive Committee at its forty-ninth, fiftieth, fifty-first and fifty-fourth sessions on NGO observer participation,

Taking note with appreciation of the consultations carried out by its Chairman in the months following the fifty-fourth session,

1. *Decides*, with respect to the working methods of the Executive Committee:[11]

(a) The annual plenary session of the Executive Committee shall be scheduled over a period of one week during October, and shall not commence earlier than at least ten days following the Standing Committee meeting preceding it;

(b) Rule 10 of the Executive Committee's Rules of Procedure (A/AC.96/187/Rev.5) is hereby amended to read as follows:

"With effect from the annual plenary session of the Committee in 2005, the Committee shall, at the last meeting of its annual plenary session, elect the officers who will serve the Committee from the day immediately following their election to the end of the last day of the following annual plenary session: Chairman, Vice-Chairman and Rapporteur.";

(c) As a transitional measure, the Bureau to be elected (according to current procedure) at the beginning of the fifty-fifth session shall serve until the end of the last day of the following annual plenary session;

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[11] The amendments to the Executive Committee's Rules of Procedure required by this decision are reflected in bold in the attached copy of the relevant page of the Rules of Procedure.

(d) Rule 11 of the Rules of Procedure is hereby amended to read as follows:

"The officers of the Committee shall hold office until the end of the day on which their successors are elected. The Vice-Chairman, acting as Chairman, shall have the same powers as the Chairman. The main functions of the Officers shall be to prepare and organize the meetings of the Executive Committee and its subsidiary bodies, to ensure the link between Committee members and the Office of the High Commissioner, and to promote dialogue in decision-making and in the elaboration of conclusions.";

(e) In order to ensure better interaction between the Officers and Executive Committee members, the Bureau shall:

(i) inform member States of the distribution of tasks between members of the Bureau, especially regarding the various consultations planned for the current year;

(ii) establish an annual schedule for all the consultations; and,

(iii) keep member States informed of its internal discussions;

The Bureau shall communicate on these issues with the Committee by means, on the one hand, of the annual planning meeting and, on the other hand, of its customary communication channels through the Secretariat;

(f) The agenda of the annual plenary shall be generally structured as follows:

(i) Opening of the session and introductory statement by the Chairman;
(ii) Adoption of the agenda and other organizational matters;
(iii) Introductory statement by the High Commissioner;
(iv) General debate;
(v) Consideration of reports on the work of the Standing Committee;
(vi) Reports relating to programme and administrative oversight and evaluation;
(vii) Consideration and adoption of the Annual Programme Budget;
(viii) Review of the Annual consultations with NGOs;
(ix) Matters for consideration by the inter-sessional meetings of the Standing Committee and other organizational matters for the ensuing year;
(x) Consideration of the provisional agenda for the following annual session of the Executive Committee;
(xi) Election of officers for the ensuing inter-sessional period and following session;
(xii) Closing statements and any other business;
(xiii) Adoption of the report of the session;
(xiv) Closing of the session;

(g) The General Debate shall be articulated around a number of issues included in the High Commissioner's opening speech, highlights of which shall be shared with members and observers some weeks before the plenary, along with updated information on operational developments. Beforehand, the Standing Committee shall have the opportunity during its June meeting to make suggestions to the High Commissioner about the issues to address in his opening statement at the plenary session. The foregoing should not hinder Governments from bringing pressing refugee concerns in their own countries to the attention of the Executive Committee's plenary session; such statements shall be accommodated on a flexible basis, within the agenda item most appropriate;

(h) The annual plenary session shall adopt inter alia the General Decision on Programme, Administrative and Financial Matters, the General Conclusion on International Protection and other Conclusions on International Protection, as well as the Programme of Work of the Standing Committee;

(i) The preparation of draft decisions and conclusions for adoption at the plenary session shall be undertaken by Executive Committee members in meetings to be termed "Informal Preparatory Consultations" and to be facilitated by the Rapporteur, taking into account the relevant reports of the Standing Committee, the Note on International Protection and other relevant documentation, as well as the tenor of any relevant discussions in the Informal Consultative Meetings of the Standing Committee;'

(ii) Standing Committee Observers that are interested in specific conclusions/decisions and that do not have the possibility of becoming a member of the Executive Committee may submit written views on the initial, and to the extent possible, later drafts of the texts to the Rapporteur who will share them with Members. Such Observers may attend a meeting to be convened prior to the Informal Preparatory Consultations relating to the specific conclusion/decision.[12] Such a meeting will occur immediately prior to the commencement of the Informal Preparatory Consultations on that conclusion/decision; the scope of the meeting prior to the consultation shall be the presentation of, and questions on, the views of the interested observers on the conclusion/decision at hand. In the case of NGOs, a consolidated input would be made using the coordination mechanisms of the International Council of Voluntary Agencies (ICVA). The procedures contained in the foregoing for written and oral contributions by Standing Committee Observers will be reviewed at an appropriate time by the Committee, in the light of experience gained over at least two full years;

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12 The Secretariat will provide timely information to the members of the Executive Committee, as well as Standing Committee observers that do not have the possibility of becoming members, concerning the dates and topics of all Informal Preparatory Consultations. The observers to whom this information is addressed will be invited to contact the Rapporteur if they wish to avail themselves of the procedures outlined in operative paragraph 1 (h) (ii). In the interests of efficiency, the Rapporteur will seek to ensure that interventions are limited to observers that have a special interest or expertise in the subject under consideration.

2. *Decides*, with respect to the working methods of the Standing Committee:

(a) The Officers (or 'Bureau') of the Executive Committee shall also serve as the Officers of the Standing Committee;

(b) Executive Committee members shall meet informally at an early date after the annual plenary session to draw up the calendar of meetings for the Standing Committee meetings and a detailed schedule for implementing the programme of work delegated to it by the Executive Committee; the calendar and schedule shall be submitted for adoption to the first meeting thereafter of the Standing Committee;

(c) The agenda of each meeting of the Standing Committee shall be structured in such a way as to facilitate discussion of, inter alia, protection, operational, financial and administrative questions, as well as complex questions that cut across these categories, such as durable solutions; nevertheless, in the interests of good preparation the Standing Committee meetings will be organized flexibly as follows:

(i) The first meeting of the Standing Committee, to be held by early March, will include, inter alia, discussions on regional and global operations, including the achievements of these operations and problems encountered in relation to the High Commissioner's global objectives in the field of international protection;

(ii) A meeting of the Standing Committee, to be held in late June/early July, will focus mainly on questions of international protection and their implications for programme policy;

(iii) A meeting of the Standing Committee, to be held in September, will include, inter alia, discussions on questions of management, finance, oversight and human resources;

(d) The Chairman shall add, to the summary report of each meeting of the Standing Committee, a list of points for follow-up to its discussions which will be reviewed at the beginning of the following meeting of the Standing Committee;

(e) In addition to the formal meetings of the Standing Committee, informal meetings may be called by the Chairman for consultations on any particular topic within the annual programme of work of the Standing Committee; such meetings shall be open to Standing Committee observers and shall be termed "Informal Consultative Meetings of the Standing Committee" and shall, to the extent feasible, be scheduled at the same time as the calendar of formal meetings is drawn up;

(f) One such Informal Consultative Meeting of the Standing Committee shall be held each year to discuss, prior to its formal submission, the budgetary proposal for the following year, so as to enable the High Commissioner to take into account the views of Executive Committee members;

3. *Decides*, with respect to NGO Observer participation in the work of the Executive Committee and its Standing Committee:

(a) Existing arrangements in the Executive Committee plenary session, whereby NGOs having consultative status with ECOSOC or which are members of ICVA are permitted access to the conference room and may deliver, under certain restrictions, oral statements to the Committee shall continue;

(b) NGOs falling within the categories mentioned in the foregoing may also be invited to Standing Committee meetings upon written request from the individual NGOs concerned;

(c) One coordinated NGO observer statement may be heard on each Executive Committee and Standing Committee agenda item; at the discretion of the Chairman, one or two additional statements by NGO observers may be authorized, providing these have been requested in advance; the selection of the organization to speak is to be made by the NGOs themselves on the basis of expertise or direct knowledge of the matter under consideration;

(d) Standing Committee documents will be available upon request to NGO observers of the Standing Committee, through their established networks, prior to Standing Committee meetings;

(e) NGO observers of the Standing Committee will be permitted to make written contributions on the subjects under debate, provided that these do not have budgetary consequences for the UNHCR Secretariat and that NGOs concerned make provision for their production and circulation;

4. *Calls on* the Bureau, in cooperation with UNHCR, to continue informal consultations to investigate options for extending the input from NGOs which are implementing or operational partners of UNHCR in recognition of the valuable contribution that such NGOs are capable of making to the work of the Executive Committee so that the Committee may review the question at its 57th session;

5. *Decides*, with respect to the working methods of both the Executive Committee and its Standing Committee that a five-minute time limit shall be applied to statements made under the Executive Committee and Standing Committee agendas;

6. *Decides*, notwithstanding the provisions made on observer participation, that the Executive Committee or its Standing Committee shall keep the right exceptionally to declare any Standing Committee meeting or agenda item closed to observer participation; such decisions will be taken by consensus following a request by one or more delegations to the Chairman who will consult with Executive Committee members;

6. *Further decides* that all provisions of Executive Committee's decision A/AC.96/860 (paragraph 32) not affected by the above shall remain in force, notably those contained in sub-paragraphs (a), (c), (g), (j), (k), (l), (r), (s), (t), (v), (w), (x), (y), (z) and (aa) through (jj).

F. Decision on the Programme of Work of the Standing Committee in 2005

26. *The Executive Committee,*

Having reviewed the issues before it at its fifty-fifth session, including those submitted to its attention by the High Commissioner in his opening statement and by delegations during the Committee's general debate, and the work undertaken by the Standing Committee during the year, and having in mind the decisions and conclusions of its fifty-fifth session;

(a) *Decides* to adopt as the framework for the programme of work of the Standing Committee in 2005 the following items: international protection; programme/protection policy; programme budgets and funding; regional activities and Global Programmes; management, financial control, administrative oversight and human resources; coordination; and governance;

(b) *Requests* that member States review, at the Planning Meeting scheduled for December 2004, specific proposals for inclusion in the work programme for 2005, with a view to submitting their agreed work programme to the first Standing Committee in 2005 for formal adoption; and *requests* that member States bear in mind the desirability of scheduling items over a biennial or longer period;

(c) *Requests* that UNHCR include in its documentation on relevant items the audit and ACABQ recommendations as well as steps taken to implement those recommendations and related Executive Committee decisions and conclusions;

(d) *Authorizes* the Standing Committee to add and to delete items, as appropriate, to its inter-sessional programme of work;

(e) *Decides* to convene no more than three formal meetings of the Standing Committee in 2005 to be held in February/March, June/July and September;

(f) *Calls on* the Standing Committee to report on its work to the fifty-sixth session of the Executive Committee;

(g) *Calls upon* its members to continue efforts to ensure that debate at the Executive Committee and its Standing Committee be of a substantive and interactive nature, yielding practical guidance and clear advice to the High Commissioner in keeping with the Committee's statutory functions;

(h) *Calls on* UNHCR to be explicit and analytical in its reports and presentations to the Committee.

G. Decision on the Provisional Agenda of the Fifty-Sixth session of the Executive Committee

27. *The Executive Committee,*

Decides to adopt the following provisional agenda for the fifty-sixth session of the Executive Committee:

1. Opening of the session and introductory statement by the Chairman;
2. Adoption of the agenda and other organizational matters;
3. Introductory statement by the High Commissioner;
4. General Debate;
5. Consideration of reports on the work of the Standing Committee;
6. Reports relating to programme and administrative oversight and evaluation;
7. Consideration and adoption of the Annual Programme Budget;
8. Review of the Annual consultations with NGOs;
9. Matters for consideration by the inter-sessional meetings of the Standing Committee and other organizational matters in 2006;
10. Consideration of the provisional agenda of the fifty-seventh session of the Executive Committee;
11. Election of officers for the fifty-seventh session and the intervening inter-sessional period;
12. Closing statements and any other business;
13. Adoption of the report on the fifty-sixth session of the Executive Committee;
14. Closing of the session

H. Draft decision on observer participation in meetings of the Standing Committee in 2004-2005

28. *The Executive Committee,*

(a) *Approves* applications by the following Government observer delegations for participation in meetings of the Standing Committee from October 2004 to October 2005:

Afghanistan, Armenia, Azerbaijan, Belarus, Botswana, Croatia, Czech Republic, Dominican Republic, El Salvador, Estonia, Gambia, Ghana, Guatemala, Lithuania, Portugal, Romania, Rwanda, San Marino, Slovenia, Swaziland.

(b) *Authorizes* the Standing Committee to decide upon any additional applications from Government observer delegations to participate in its meetings during the aforementioned period;

(c) *Approves* the following list of intergovernmental and international organizations to be invited by the High Commissioner to participate as observers in relevant meetings of its Standing Committee from October 2004 to October 2005:

United Nations specialized agencies, departments, funds and programmes, European Commission, International Committee of the Red Cross, International Federation of Red Cross and Red Crescent Societies, Sovereign Order of Malta, Executive Secretariat of the Commonwealth of Independent States, League of Arab States, African Union, Organization of the Islamic Conference, Council of Europe, International Organization for Migration, Economic Community of Central African States, Southern African Development Community, Intergovernmental Authority on Development, Economic Community of West African States, International Centre for Migration Policy Development.

Annex I

Decisions adopted by the Standing Committee in 2004

29. In accordance with the authority vested in it by the Executive Committee, the Standing Committee in 2004 adopted two decisions on matters included in its programme of work. The texts of these decisions are annexed to the reports of Standing Committee meetings as follows:

A/AC.96/988: *Report of the Twenty-ninth meeting of the Standing Committee* (9-11 March 2004)

- Decision on programmes, budgets and funding in 2004;

A/AC.96/998: *Report of the Thirtieth meeting of the Standing Committee* (29 June-1 July 2004)

- Decision on overall programmes, budgets and funding for 2004;

Annex II

Chairman's Summary of the General Debate

1. As Chairman of the fifty-fifth session of this Committee, I will now provide a brief summary of the general debate that has occupied us for the past three days, in which over 90 delegations have spoken. While I cannot do full justice to the rich quality of the debate, I will focus on some of the essential themes we have covered, in response to the High Commissioner's statement at our opening session.

2. The decline in the number of persons of concern to UNHCR to its lowest level for the past 10 years has given a positive note to our debate this year. Many of you have welcomed the large voluntary repatriation movements that have taken place this year. You have recalled also that 2004 was intended to be a year of return, and it has indeed turned out to be so, for very large numbers of refugees. This has shown that the concerted efforts of UNHCR and States can bring solutions to the problem of refugees. Nevertheless, the global number of over 17 million persons of concern to UNHCR remains unacceptably high. Indeed, in some countries the number has increased dramatically, as a result of internal conflict and the spill-over from such conflicts to neighbouring countries. Many of the States hosting refugees reminded us of the intolerable burden they face, and appealed for continued assistance from the international community.

3. I will turn now to some of the current emergencies and operational challenges mentioned by the High Commissioner.

4. The terrible humanitarian crisis resulting from the violence in Darfur, Sudan, has cast a deep shadow over this meeting. The briefing given by the High Commissioner on his recent mission to the area was an important stimulus to our debate. Many delegations noted with regret that the international community had been slow to react to this crisis, but some progress is now being made to relieve the suffering and improve the security of the victims. We have welcomed the presence on the ground of UNHCR staff, both in Darfur and in eastern Chad, as well as the involvement of African Union monitors. We have also expressed appreciation for the efforts of the Emergency Relief Coordinator (OCHA), and other intergovernmental and non-governmental. organizations. Some States pledged more support for this work, but we also underlined that the situation can only be resolved through a lasting cessation of the atrocities and a peaceful solution to the situation, with the active cooperation of all parties.

5. We also condemned, in the strongest terms, the massacre in August this year of refugees at Gatumba Camp in Burundi. The question of security in camps continues to be of very grave concern in other countries too. One delegation mentioned, for example, the problem of the circulation of small arms and urged that measures be taken to combat this. We have especially deplored the continuing acts of brutality against refugee women and children, who are most vulnerable among the vulnerable, and called for the vigorous implementation by UNHCR of the recommendations emerging from recent evaluation reports on the situation of refugee women and children.

6. The panel discussion on the subject of food security was an important highlight of our meeting. Many delegations expressed their warm appreciation for the statement made by the Executive Director of the World Food Programme (WFP) at the opening of our work, and his contribution to the panel discussion on food security. We were gravely concerned to learn of the steady decrease in WFP food stocks, and the disruptions to the pipeline this could cause, particularly in the case of refugees who are so vulnerable. We emphasized that regular food supplies are vital, not only in emergency situations, but also in the context of post-conflict rehabilitation. Many speakers welcomed the strong collaboration between UNHCR and WFP, and called for donors to take urgent measures to avoid gaps in food distribution, by means including a broadening of the WFP donor base and a reduction in transportation costs through increased local sourcing.

7. Protracted refugee situations represent another grave protection and operational challenge. One delegation used the term "warehousing" to describe the situation of refugees living for extended periods in camps. In the words of another delegation, the solution calls for a protection and empowerment framework – "two wheels of the same cart of UNHCR's mandate". We also applauded the "4 Rs" approach in post-conflict situations and gave examples where this approach could facilitate sustainable reintegration.

8. On the subject of durable solutions, I may add that a large majority of delegations expressed their support for the High Commissioner's Convention Plus initiative – not least because of the challenges posed by protracted refugee situations. Convention Plus was seen as being part of the implementation of the Agenda for Protection. Several delegations stressed the value of multilateral, sectoral agreements in order to foster international solidarity and to share burdens and responsibilities. Nevertheless, it is important to move on from conceptual frameworks to practical applications, and the comprehensive plans for Afghan and Somali refugees will be important tests for Convention Plus.

9. Still in the framework of Convention Plus, many delegations welcomed the recent multilateral framework on resettlement. Many underlined the importance of resettlement as a durable solution and as a tool for protection, and called for efforts by States and UNHCR to increase the number of resettlement opportunities. To be fully effective, however, resettlement must be part of a comprehensive approach.

10. The subject of partnerships attracted much comment. We welcomed UNHCR's efforts to continue and deepen its relations with other actors involved in caring for refugees, both within the United Nations family and beyond, especially within the NGO community. One special focus of such partnerships should be on improving the "Collaborative Approach" for IDPs. UNHCR's contributions to this issue, in the context of the Inter-Agency Standing Committee, were noted with appreciation. Another area of special focus mentioned by some delegations is the asylum-migration nexus, and the dialogue and coordination maintained by UNHCR with key actors in this area. Many of you commended in particular UNHCR's co-sponsorship of UNAIDS. At another level, you drew attention to the importance of specific regional initiatives in Africa, Europe and elsewhere, to find solutions to refugee problems. They can also serve to address root causes of population displacement, such as poverty, and thereby help achieve the United Nations Millenium Development Goals.

11. On funding, we learned with relief that UNHCR does not anticipate a financial shortfall this year. We were also pleased to have shared more fully in budget consultations than in previous years. Several delegations urged UNHCR to move more resolutely from a resource-based to a needs-based approach to its budget, and to introduce results-based management. We also noted the JIU's recommendation that UNHCR should adopt a biennial, rather than an annual budget cycle. But we felt this needed further reflection.

12. On human resources, this Committee again warmly praised the commitment of the staff and the courage of those working in difficult field situations. Their security and that of all humanitarian workers must remain a top priority. Several speakers took the floor to support the measures being taken by UNHCR on staff security, as explained to us by the High Commissioner.

13. Some delegations commented the new human resources policies being applied by UNHCR. One stressed that emergency response is UNHCR's job and that the outcome of the new policies should be to improve the quality of the staff UNHCR deploys to emergencies, the speed with which they are deployed and the support they receive once deployed. We were pleased to learn of the recent appointment of a senior adviser on gender. There were also many comments on the proposal to create a second Assistant High Commissioner post, devoted to international protection, which will be the subject of further discussion in the coming months.

14. I would not like to end this summary of the general debate and the opinions of all delegations without underlining the many expressions of appreciation to the High Commissioner for his leadership. We have pledged our continued, full support to his Office and to the several initiatives that he has launched in the execution of his mandate. I believe that this debate has been a good demonstration of the far-reaching nature of these initiatives. I thank you.

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